

**TOWN OF DAVIE
REGULAR MEETING
JUNE 21, 2006**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:33 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present at the meeting were Mayor Truex, Vice-Mayor Mike Crowley, and Councilmembers Caletka, Paul and Starkey. Also attending were Acting Town Administrator Ken Cohen, Town Attorney Monroe Kiar and Town Clerk Russell Muniz, recording the meeting.

3. PRESENTATIONS

3.1. Senator Nan Rich

Senator Rich updated Council on the 2006 legislative session. She felt the session was rewarding in terms of dollars appropriated for the 2006-07 budget for services important for Floridians. Senator Rich advised that attempts to place constitutional amendments dealing with vouchers and class size on the November ballot had failed. One issue that was allowed in the legislature was the continuation of co-teaching and criteria were established to ensure qualified teams of teachers. Also, the requirement that school would not begin earlier than 14 days before Labor Day was successful. Senator Rich spoke of the overall efforts to even out funding for schools, which continued to be a challenge. Senator Rich added that South Florida would receive \$60 million earmarked for hiring more teachers, salary increases, property insurance, health insurance, utilities and gasoline. Legislation had also been passed to improve health and human services and programs for the elderly. There was also a strong focus on statewide child welfare issues. Senator Rich was pleased about an upcoming bill that allowed for 18-19-year-olds in the Independent Living Foster Care Program to receive health insurance from Medicaid. Council thanked Senator Rich for her efforts on behalf of the Town.

3.2. Representative Susan Goldstein

Representative Goldstein updated Council on issues she had worked on during the recent legislative session. She felt the session was quite positive but was disappointed that the Save Our Homes affordable housing measure and the sexual predator bill had not passed. Representative Goldstein spoke of her efforts to improve funding for programs for the developmentally disabled. She also spoke of funding increases for community colleges and for the Bright Futures Program. Representative Goldstein was pleased about the passage of the property rights bill ensuring private property could not be taken for eminent domain. She felt the affordable housing issue would bring in more funding. Council thanked Representative Goldstein for her work on behalf of the Town.

3.3. Dr. Brenda Snipes, Broward County Supervisor of Elections

Brithney Moffett, Pollworker Training Coordinator, summarized upcoming changes in election laws.

3.4. Legislative Report - David Sigerson

Mr. Sigerson spoke on legislative issues he had followed, including eminent domain and community development program provisions. He advised that a compromise had been reached allowing electric companies to site substations regardless of zoning districts. However, this legislation permitted the Town to adopt its own ordinances with respect to siting and vegetation maintenance. Mr. Sigerson summarized legislation passed that required retrofitting of certain gas stations with alternative power sources. He spoke of challenges concerning the Broadview Park annexation issue. Council thanked Mr. Sigerson for his efforts on behalf of the Town.

TOWN COUNCIL MINUTES

JUNE 21, 2006

3.5 Hurricane Relief Legislation - John Pisula

Later in the meeting, Mr. Pisula spoke of \$240 million in grant money available for residents to harden their homes. Housing and Community Development Director Shirley Taylor-Prakelt spoke of hurricane damage mitigation programs, which the Town could use to apply for grant assistance. She encouraged the public to visit www.mysafefloridahome.com for information and application forms.

Mayor Truex advised items 6.6 and 6.7 needed to be tabled to July 19, 2006.

Councilmember Paul was opposed to hearing rezoning and site plan items at the same meeting. Mayor Truex was in favor of hearing both items together. Councilmember Starkey was in favor of projects going to the Planning and Zoning Board first, then to the Site Plan Committee, and followed by Council review.

Planning and Zoning Manager Bruce Dell stated that his office was seeking an opinion from Mr. Kiar on this issue. He requested additional time. Mr. Kiar spoke of complications delaying this issue and agreed that more time was needed.

Councilmember Caletka made a motion, seconded by Councilmember Paul, to table to August 16, 2006.

Attorney Tracy Lautenschlaeger, representing the applicant, stated that the applicant would be prepared to address Council on July 19.

In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex advised that item 3.5 needed to be added.

Vice-Mayor Crowley made a motion, seconded by Mayor Truex, to add. In a voice vote, all voted in favor. (Motion carried 5-0)

4. APPROVAL OF CONSENT AGENDA

Minutes

4.1. April 17, 2006 (Workshop Meeting)

4.2. April 19, 2006 (Regular Meeting)

Proclamations

4.3. Florida Water, Wastewater and Systems Operators Week (August 7 - 11, 2006)

4.4. Regent Bank Day (July 11, 2006)

Resolutions

4.5. **HOMELESSNESS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-2006-166 SUPPORTING "A WAY HOME" BROWARD COUNTY, FLORIDA'S TEN-YEAR
PLAN TO END HOMELESSNESS. (tabled from April 19, 2006)

4.6. **CONTRACT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-2006-167 APPROVING THE CONTRACT AWARDED BY THE TOWN OF PEMBROKE
PARK (RESOLUTION #05-09-04) TO CRAIG A. SMITH & ASSOCIATES FOR
LOCATING AND MARKING UNDERGROUND FACILITIES. (tabled from June 7,
2006)

TOWN COUNCIL MINUTES
JUNE 21, 2006

- 4.7. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, ACCEPTING THE BID FOR
R-2006-168 POLICE AND FIRE DEPARTMENT UNIFORMS (\$45,000/year - Police Department;
\$45,000/year - Fire Department).
- 4.8. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING
R-2006-169 THE APPROPRIATE TOWN OFFICIALS TO ACCEPT THE BID
RECOMMENDATION FOR SPEED HUMPS AND SPEED PILLOWS (Colonna
Asphalt - \$25,000)
- 4.9. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE
R-2006-170 BID AWARDED BY THE CITY OF MARGATE FOR AGGREGATES, TOP SOIL &
SAND, (SOUTH FLORIDA GOVERNMENT COOPERATIVE GROUP BID NO.
2006-004)
- 4.10. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING
R-2006-171 THE APPLICATION FOR A GRANT FROM THE 2006 STAFFING FOR
ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANTS PROGRAM;
AND AUTHORIZING ACCEPTANCE AND EXECUTION OF THE GRANT, IF
AWARDED. (Town share \$2,597,270 - not budgeted)
- 4.11. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING
R-2006-172 THE FLORIDA COMMUNITIES TRUST GRANT AWARD CALCULATION
STATEMENT FOR THE SUNNY LAKE TRAIL HEAD PARK PROJECT.
(\$1,701,535/revenue)
- 4.12. **RESTRICTIVE COVENANTS** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2006-173 FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A DECLARATION OF
RESTRICTIVE COVENANTS WITH THE FLORIDA COMMUNITIES TRUST FOR
THE SUNNY LAKES TRAIL HEAD PARK PROJECT SITE.
- 4.13. **COMMITTEE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2006-174 CREATING A DISTRICT BOUNDARIES REVIEW COMMITTEE, WHICH IS
CREATED FOR THE PURPOSE OF REVIEWING THE DISTRICT BOUNDARIES
OF THE TOWN OF DAVIE AND MAKING RECOMMENDATIONS TO THE TOWN
COUNCIL; AND PROVIDING AN EFFECTIVE DATE.
- 4.14. **CHANGE ORDER** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2006-175 AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NUMBER 2 TO
THE CONTRACT BETWEEN THE TOWN AND BROWN AND CALDWELL TO
PROVIDE A WASTE WEIGHT GENERATION STUDY. (\$23,766)
- 4.15. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA
R-2006-176 AUTHORIZING AN EXTENSION THROUGH JUNE 27, 2007 OF THE JOINT
PARTICIPATION AGREEMENT BETWEEN THE TOWN OF DAVIE AND
BROWARD COUNTY TO HOLD A HOUSEHOLD HAZARDOUS WASTE
COLLECTION EVENT IN THE TOWN OF DAVIE; PROVIDING FOR AN
EFFECTIVE DATE.

TOWN COUNCIL MINUTES
JUNE 21, 2006

- 4.16. **UNDERWRITING SERVICES** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF MERRILL LYNCH AS THE UNDERWRITER FOR THE \$25 MILLION LIMITED (OPEN SPACE) GENERAL OBLIGATION BOND ISSUE AND J.P. MORGAN AS THE UNDERWRITER FOR THE \$16.5 MILLION (FIRE STATION AND APPARATUS) GENERAL OBLIGATION BOND ISSUE.
R-2006-177
- 4.17. **REIMBURSEMENT OF EXPENSES** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, INDICATING THE OFFICIAL INTENT OF THE TOWN COUNCIL TO ISSUE TAX-EXEMPT BONDS TO FINANCE THE COST OF VARIOUS CAPITAL PROJECTS OR FOR OTHER MUNICIPAL PURPOSES AND TO USE A PORTION OF THE PROCEEDS OF SUCH BONDS TO REIMBURSE ADMINISTRATIVE EXPENSES RELATED TO THE BONDS.
R-2006-178
- 4.18. **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS THE "PARADISE ESTATES" AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 5-2-05, Paradise Estates Plat, 11500 SW 26 Street) *Planning and Zoning Board recommended approval subject to staff's recommendations*
R-2006-179
- 4.19. **FUEL VENDOR** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE USE OF A SECONDARY VENDOR FOR THE SUPPLY OF UNLEADED FUEL RECOMMENDED BY THE BROWARD COUNTY SHERIFF'S OFFICE FOR UNLEADED GASOLINE, SOUTHEAST FLORIDA COOPERATIVE PURCHASING GROUP BID NO. 4-1-8-066.
R-2006-180
- 4.20. **INTERLOCAL AGREEMENT TENTH AMENDMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A SUBSTITUTE TO THE PROPOSED TENTH AMENDMENT TO THE INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR SOLID WASTE DISPOSAL SERVICE, WHICH INTERLOCAL AGREEMENT IS DATED FOR CONVENIENCE NOVEMBER 25, 1986, BY AND BETWEEN BROWARD COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, BY, AND THROUGH ITS BOARD OF COUNTY COMMISSIONERS AND THE MUNICIPALITIES WHO ARE THE PARTIES TO THE INTERLOCAL AGREEMENT.
R-2006-181
- 4.21. **PROPERTY DEDICATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA ACCEPTING ONE CERTAIN DEDICATION OF PROPERTY FROM PROPERTY OWNERS, PACC DEVELOPMENT, LLC AND ECATS 2, LLC; AND PROVIDING AN EFFECTIVE DATE.
R-2006-182

TOWN COUNCIL MINUTES
JUNE 21, 2006

- 4.22. **STIRLING ESTATES MOBILE HOME PARK** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, OPPOSING ANY ACQUISITION OF THE STIRLING ESTATES MOBILE HOME PARK BY THE SEMINOLE TRIBE OF FLORIDA, INC., OR ANY COMPANY, CORPORATION, PARTNERSHIP, ORGANIZATION, TRUST, ETC., AFFILIATED WITH THE SEMINOLE TRIBE OF FLORIDA, INC.; AND OPPOSING ANY ATTEMPT MADE BY THE SEMINOLE TRIBE OF FLORIDA, INC., OR ANY COMPANY, CORPORATION, PARTNERSHIP, ORGANIZATION, TRUST, ETC., AFFILIATED WITH THE SEMINOLE TRIBE OF FLORIDA, INC., TO REMOVE THE RESIDENTS CURRENTLY RESIDING AT THE STIRLING ESTATES MOBILE HOME PARK.
- R-2006-183
- 4.23. **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS "NOVA UNIVERSITY NO. 1"; AND PROVIDING AN EFFECTIVE DATE. (DG 4-2-06, Nova Southeastern University, 3301 College Avenue)
- R-2006-184
- 4.24. **AGREEMENTS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING VARIOUS FIRMS TO PERFORM CONTINUING SERVICES AS WILDLIFE BIOLOGIST AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AGREEMENTS FOR SUCH SERVICES.
- R-2006-185

Temporary Use Permit

- 4.25. TU 5-1-06, Davie Merchants Industrial Association, Inc., 2701 North University Drive (fireworks) (tabled from June 7, 2006)

Councilmember Paul pulled items 4.2, 4.15, 4.20 and 4.22. Councilmember Starkey pulled items 4.10, 4.11, 4.16, and 4.17. Councilmember Caletka pulled items 4.5. Mayor Truex pulled items 4.3, 4.4, 4.6, 4.7, and 4.13.

Vice-Mayor Crowley made a motion, seconded by Councilmember Paul, to approve the Consent Agenda minus items 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.10, 4.11, 4.13, 4.15, 4.16, 4.17, 4.20 & 4.22. In a voice vote, all voted in favor. (Motion carried 5-0)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.2 Councilmember Paul asked that this item be tabled.

Councilmember Paul made a motion, seconded by Mayor Truex, to table to July 5, 2006. In a voice vote, all voted in favor. (Motion carried 5-0)

4.3 Mayor Truex read the proclamation.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.4 Mayor Truex read the proclamation.

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.5 Councilmember Caletka was against this resolution as there was no economic impact research provided. Mayor Truex wanted to approve the resolution with the understanding that the Town

TOWN COUNCIL MINUTES

JUNE 21, 2006

did not support a new tax. Ms. Taylor-Prakelt explained the far-reaching effects of homelessness, which needed to be addressed. She felt that adopting the resolution with some conditions was better than not adopting it at all.

Ms. Taylor-Prakelt introduced Steve Werthman, Director of Broward County's Homeless Programs, who summarized the goals of this plan. Councilmember Starkey was concerned about the lack of a fiscal impact study for this program, which made it difficult to pinpoint dollars. She was in favor of supporting the program while working in conjunction with Mr. Werthman.

Council discussed various language changes to Section 2 regarding funding sources not being requested until such time that a plan could be adopted and Section 4 the Town does not support funding sources from the Town, additional taxes, the fair wages portion, until additional information is provided on the impact. Ms. Taylor-Prakelt suggested including language that Council could not take action until sufficient financial information was provided and added that support did not always mean financial support. Council was in agreement with this change.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve, subject to amending language as agreed to by Council. In a voice vote, all voted in favor. (Motion carried 5-0)

4.6 Mayor Truex objected to this type of contract as he felt it was not a true piggyback bid. Mr. Cohen stated this was an emergency as the required contract had expired. He explained that staff would go forward and bid this out but requested that Council approve the current contract for a three-month period. Vice-Mayor Crowley felt the piggyback process could not be applied to architects, engineers and surveyors and he wanted Mr. Kiar to investigate this.

Councilmember Paul made a motion, seconded by Mayor Truex, to approve, subject to a three-month term. In a voice vote, with Vice-Mayor Crowley dissenting, all voted in favor. (Motion carried 4-1)

4.7 Mayor Truex wanted to ensure that this was an open competitive bid. Vice-Mayor Crowley asked whether the Town bought uniforms for police and fire personnel. Staff responded in the affirmative.

Vice-Mayor Crowley made a motion, seconded by Mayor Truex, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.10 Councilmember Starkey asked that Fire Chief Don DiPetrillo explain the SAFER grant. Chief DiPetrillo spoke of positions that were cut last year and explained that this application allowed the Town to fund some of these positions if it wished to restore them.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.11 Councilmember Starkey asked whether the Sunny Lake design plan was in place and asked how much the Town would pay. Mr. Cohen stated this item was a reimbursement from the Florida Communities Trust.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.13 Mayor Truex asked about the hiring of experts in the future. Mr. Cohen advised that this matter was on the next Council agenda.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

TOWN COUNCIL MINUTES
JUNE 21, 2006

4.15 Councilmember Paul wanted to announce a household hazardous waste collection Town-wide on July 16th at Pine Island Park.

Councilmember Paul made a motion, seconded by Mayor Truex, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.16 Councilmember Starkey asked about the process behind the issuance of the bond. Budget and Finance Director William Underwood explained the process used in passage of the open space bond. He stated that staff was seeking Council's agreement on their recommendations.

Damon Adams, representing Dunlap and Associates, explained that the goal was to secure the lowest possible rate for the Town. Mr. Cohen and Mr. Underwood agreed with the recommendation for the two firms selected.

Councilmember Starkey made a motion, seconded by Councilmember Paul, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.17 Councilmember Starkey opposed using the bond proceeds to reimburse administrative costs. She asked whether a cap could be set on these costs. Mr. Cohen felt the overall administrative costs would not be burdensome. He was unable to provide a dollar figure on the costs at this time without knowing how many properties would be reviewed. Mayor Truex requested an estimate of costs.

Councilmember Starkey made a motion, seconded by Vice-Mayor Crowley, to approve subject to administrative costs not to exceed \$25,000 before being brought back to Council. In a voice vote, with Councilmembers Caletka and Paul dissenting, all voted in favor. (Motion carried 3-2)

4.20 Councilmember Paul agreed that all municipalities should be included. Councilmember Starkey disagreed with Option B which called for a larger board and was in favor of Option A. Mr. Cohen stated that staff wanted representation on a large board than no representation on a small board. Councilmember Caletka preferred one representative per city.

Program Manager Susan Dean was unsure that a 20-member board would be able to come to any reasonable decisions. Mr. Cohen felt it was important that the Town have some representation on this Board.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve Option A.

Vice-Mayor Crowley asked which member from Council would represent the Town if Option B was chosen. No Councilmember volunteered.

In a voice vote, with Councilmembers Caletka and Paul dissenting, all voted in favor. (Motion carried 3-2)

4.22 Councilmember Paul asked for a language change to Section 1 to reflect that the property had already been acquired.

Councilmember Paul made a motion, seconded by Councilmember Caletka, to approve subject to changing language in Section 1 to state: The Town Council thereby opposed the acquisition due to the fact that said acquisition was not in the best interest of the Town or its residents.

Ms. Taylor-Prakelt requested that the name of the park be changed throughout to state "Stirling Road Mobile Home Park" and spoke of efforts being made to accommodate residents. She explained that Florida Statutes stipulated that residents could not be displaced without appropriate, affordable replacement housing made available to them. Ms. Taylor-Prakelt added a community meeting was scheduled for June 26th at 6:30 p.m. and indicated that she was waiting to hear from the Seminole Tribe representatives.

TOWN COUNCIL MINUTES

JUNE 21, 2006

Mayor Truex did not see the point in voicing the Town's opposition as the property had already been acquired. He stressed that the goal was to negotiate more time to provide a reasonable exit plan to help the residents. Mayor Truex felt the Tribe would take additional measures to help the Town. Ms. Taylor-Prakelt voiced her disappointment with the response from officials of the Tribe so far, whom she felt "had no intention" of taking such measures.

Mr. Cohen suggested changing language in Section 4 to state that "residents could not be forced to leave until an adequate exit plan that satisfied the Town was received." Ms. Taylor-Prakelt advised she had turned this issue over to the U.S. HUD for what she believed was a violation of federal fair housing laws.

Councilmember Paul referred to a copy of the resolution between Coconut Creek and the Seminole Tribe for the casino land and thought some of these ideas could be considered. She felt there was a basis for an interlocal agreement if the Tribe wanted to keep the property within the Town.

Mayor Truex pointed out that the Tribe was short of housing as well and did not feel the Town could protect the property forever. His main concern was protecting the Town's residents. Mayor Truex clarified that the language change should be made to Section 4 as follows: "The Town opposed removal until such time as an exit plan satisfactory to the Town was presented by the Seminole Tribe."

Vice-Mayor Crowley agreed that it was important to protect this site. He pointed out that if it was de-annexed to become a reservation, the Miami Auto Auction site to the north might be a problem. Mayor Truex did not feel this parcel was critical to the tax base. However, he wanted to negotiate to keep this property within Davie.

Mayor Truex opened the discussion to public participation.

Lloyd Phillips, 14220 SW 29 Court, suggested making the document a blanket template for any other future acquisitions as opposed to specifically referencing the Seminole Tribe.

Shannon Stoddard advised that she had spoken with Seminole officials and others who were unable to help. She spoke of the difficulties she and other residents faced finding affordable housing. She asked if there was some way other mobile home parks could fit them in.

A woman asked what Mayor Truex meant by "satisfactory." Mayor Truex explained this meant that "every single person who started out with a mobile home would end up with a mobile home." However, he was not sure the Tribe would agree to this and he hoped the Town could get more for the residents than what was currently being offered.

Mayor Truex closed the public participation portion of this item.

Council summarized that the motion was "to add language amended by Mr. Cohen, along with changing the name of the entity, along with changes to Sections 1 and 4." In a voice vote, all voted in favor. (Motion carried 5-0)

6. PUBLIC HEARING

Ordinances - Second and Final Reading

- 6.1. **BUDGET AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE,**
2006-16 **FLORIDA, AUTHORIZING AN AMENDMENT TO THE ESTIMATED REVENUES**
AND APPROPRIATIONS FOR THE FISCAL YEAR 2006. {Approved on First
Reading June 7, 2006 - all voted in favor}

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Vice-Mayor Crowley made a motion, seconded by Mayor Truex, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

TOWN COUNCIL MINUTES
JUNE 21, 2006

- 6.2. **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**
2006-17 **AMENDING CHAPTER 12, CODE OF ORDINANCES, ENTITLED “LAND DEVELOPMENT CODE”, BY AMENDING ARTICLE XI THEREOF, ENTITLED “DEVELOPMENT REVIEW PROCEDURES”, BY AMENDING DIVISION 3 THEREOF ENTITLED “IMPROVEMENTS”, SEC. 12-329 BY REVISING TEXT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE. {Approved on First Reading June 7, 2006 - all voted in favor}**

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Paul made a motion, seconded by Mayor Truex, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

- 6.3. **RATE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA**
2006-18 **AMENDING THE TOWN’S OCCUPATIONAL LICENSE RATE SCHEDULE IN ACCORDANCE WITH CHAPTER 205.0535(4) OF THE FLORIDA STATE STATUTES BY INCREASING THE RATE OF EACH CLASSIFICATION BY FIVE PERCENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. {Approved on First Reading June 7, 2006 - all voted in favor}**

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Paul made a motion, seconded by Mayor Truex, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

- 6.4. **VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**
2006-19 **APPROVING VACATION PETITION VA 3-1-06, VACATING PORTIONS OF ROAD RIGHT-OF-WAY FOR SOUTHWEST 26TH STREET AS SHOWN ON THE PLAT OF UNIT “E” FLAMINGO GROVES, AS RECORDED IN PLAT BOOK 15, PAGE 5, OF THE PUBLIC RECORDS OF BROWARD COUNTY AND ON THE PLAT OF FLORIDA FRUIT LANDS COMPANY’S SUBDIVISION NO. 1, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. {Approved on First Reading June 7, 2006 - all voted in favor}**

Earlier in the meeting Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting.

Darlene Sirouchek, 12822 SW 26 Street, spoke in favor of this ordinance.

Eric Granger, representing the applicant, introduced himself to Council.

Mayor Truex closed the public hearing.

TOWN COUNCIL MINUTES

JUNE 21, 2006

Councilmember Starkey made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Ordinances - First Reading (Second and final reading to be held July 5, 2006)

- 6.5. **VACATION** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING VACATION PETITION VA 5-1-05 LONG KEY – FLAMINGO PARK, VACATING AND DEDICATING RIGHT-OF-WAYS AS SHOWN ON THE PLAT OF “FLORIDA FRUIT LANDS COMPANY’S SUBDIVISION NO. 1”, AS RECORDED IN PLAT BOOK 2, PAGES 17, OF THE PUBLIC RECORDS OF BROWARD COUNTY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (VA 5-1-05, Long Key-Flamingo Park, southwest corner of Flamingo Road and SW 36 Street) (tabled from May 17, 2006) *Planning and Zoning Board recommended approval contingent upon meetings with the resident and the retention for Bellsouth, if necessary*

Town Clerk Muniz read the ordinance by title. Mayor Truex announced a public hearing on the ordinance would be held at the July 5, 2006 meeting.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Paul asked staff to provide more information on backup reports when items that were previously tabled came back before Council. She spoke of her conversation with Broward County Commissioner Wexler whose extensive research indicated the land was sensitive enough not to be used as a trail. Councilmember Paul added that the strip of land was privately owned and questioned how Broward County could have offered the Town something it did not own. She felt Council could only make a decision based on the fact that the County would at some point in time come into ownership of the land. Councilmember Paul recalled that she had wanted the County to make the trail on the section in question in exchange for the vacation. She did not feel the Town needed to accept land for that purpose when it was vacating a substantial portion of property. Councilmember Paul questioned how much the County owned beyond the ten feet.

Shobhan Smart, of the Broward County Parks and Recreation Division, confirmed that the County did not yet own the land and had no plans for development in that area.

An unidentified woman referred to the site plan illustration and advised that someone could legally ride a horse along the trail.

Mayor Truex reopened the public hearing.

Jason Curtis, 3801 Flamingo Road, felt the Town was giving up something for nothing as the County did not yet own the land. He stated that the County had taken the park by eminent domain, yet the site had been closed to public access for more than 3 years. Mr. Curtis objected to the idea that the land was environmentally sensitive based on the heavy truck traffic and tree trimming done in the area. He added that weed killer used on the site a few years ago, had killed many species on the site.

Julie Aitken, 3801 Flamingo Road, a resident of Davie, agreed with Mr. Curtis’ comments.

Mayor Truex closed the public hearing.

The woman assured Council the County was not trying to take anything from Davie but would be working with the Town to provide a suitable \$7.4 million nature center with trails.

Councilmember Starkey voiced her concern about the archaeological site. She was comfortable taking the County’s expert advice to vacate the archaeological site.

Councilmember Caletka spoke of the long history of this item, which he felt was becoming “ridiculous.” He wanted action taken quickly. Councilmember Starkey agreed.

TOWN COUNCIL MINUTES

JUNE 21, 2006

Mr. Smart advised there were two issues: 1) the vacation of the right of way and 2) dedication of the right-of-way. He stated that the County wanted to dedicate the right-of-way along 36 Court and 130 Avenue, which was maintained by the Town. Mr. Smart explained that the County was giving 5.13 acres to the Town, while the Town was giving up only 1.13 acres.

Councilmember Starkey made a motion, seconded by Mayor Truex, "to approve the vacation of the archeological portion in exchange for the other piece of property along the trail." In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Items to be tabled

6.6. PLANNING & ZONING BOARD TABLED TO JUNE 14, 2006; COUNCIL CAN TABLE TO JULY 5, 2006

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 7-1-05, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM PRD 6.3 PLANNED RESIDENTIAL DEVELOPMENT DISTRICT TO R-5, LOW-MEDIUM DENSITY DWELLING DISTRICT AND RM-12, MEDIUM-HIGH DENSITY DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 7-1-05, RHG/TKO II Joint Venture LLOP/Rolling Hills Hotel Ltd., 3501 West Rolling Hills Circle)

This item was tabled earlier in the meeting.

6.7. PLANNING & ZONING BOARD TABLED TO JUNE 14, 2006; COUNCIL CAN TABLE TO JULY 5, 2006

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING VACATION PETITION VA 8-1-05 – THE COURTYARDS AT ROLLING HILLS, VACATING "ROAD PARCEL" RIGHTS-OF-WAYS AS SHOWN ON THE PLAT OF "ROLLING HILLS GOLF AND TENNIS CLUB", AS RECORDED IN PLAT BOOK 81, PAGES 27, OF THE PUBLIC RECORDS OF BROWARD COUNTY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (VA 8-1-05, RHG/TKO II Joint Venture LLOP/Rolling Hills Hotel Ltd., 3501 West Rolling Hills Circle)

This item was tabled earlier in the meeting.

7. APPOINTMENTS

7.1. Mayor Truex

7.1.1. Airport/Transportation Advisory Board (one exclusive appointment - term expires December 2006)

No appointment was made.

7.1.2. Agricultural Advisory Board (one exclusive appointment - term expires April 2008) (insofar as possible, members shall have experience in agricultural matters, related occupations or other similar skills)

No appointment was made.

TOWN COUNCIL MINUTES
JUNE 21, 2006

- 7.1.3. District Boundaries Review Committee (two exclusive appointments from the respective Council districts; terms expire upon submittal of recommendation to the Town Council) (members shall be a registered voter)

Mayor Truex appointed Scott Spages.

- 7.1.4. Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2008) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made.

- 7.1.5. Senior Citizen Advisory Committee (one exclusive appointment - term expires April 2008) (members shall be a minimum 60 years of age)

No appointment was made.

7.2. Vice-Mayor Crowley

- 7.2.1. District Boundaries Review Committee (two exclusive appointments from the respective Council districts; terms expire upon submittal of recommendation to the Town Council) (members shall be a registered voter)

Vice-Mayor Crowley appointed John Stevens and Scott McLaughlin.

- 7.2.2. Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2008) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made.

7.3. Councilmember Caletka

- 7.3.1. District Boundaries Review Committee (two exclusive appointments from the respective Council districts; terms expire upon submittal of recommendation to the Town Council) (members shall be a registered voter)

Councilmember Caletka appointed Jim Thomas and Marie Kaplan.

- 7.3.2. Youth Education and Safety Advisory Board (two exclusive appointments - terms expire April 2008) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

Councilmember Caletka appointed Cynthia Frost.

7.4. Councilmember Paul

- 7.4.1. District Boundaries Review Committee (two exclusive appointments from the respective Council districts; terms expire upon submittal of recommendation to the Town Council) (members shall be a registered voter)

No appointments were made.

TOWN COUNCIL MINUTES
JUNE 21, 2006

7.5. Councilmember Starkey

- 7.5.1. District Boundaries Review Committee (two exclusive appointments from the respective Council districts; terms expire upon submittal of recommendation to the Town Council) (members shall be a registered voter)

Councilmember Starkey appointed Sidney Calloway.

- 7.5.2. Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2008) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

Councilmember Starkey appointed Stu Weinstein.

- 7.6. Unsafe Structures Board (two non-exclusive appointments; terms expire April 2009) (members shall be permanent resident or have their principal place of business within the Town's jurisdiction) (one appointment shall be a plumbing contractor and one appointment shall be a real estate property manager)

No appointments were made.

8. OLD BUSINESS

8.1 Charter Review - Councilmembers Caletka and Paul

Councilmember Paul spoke of the need to convene a Charter Review Board in light of various issues that needed to be addressed. She advised that the Charter's expiration date would fall in a non-election year. Mayor Truex asked about the cost difference during a countywide election versus voting when Councilmembers were running. Town Clerk Muniz stated that all costs would be paid by the Town if a review was done in a non-election year. Mayor Truex asked if the cost was different during November elections versus March. Mr. Muniz advised that the cost would be about the same.

Councilmember Caletka pointed out that it might not be possible to form a Charter Review Board and forward this item to the Supervisor of Elections by November elections.

Mayor Truex was in favor of convening a board after the March 2007 elections, as he felt "hot political issues" being discussed at that time might not necessarily make for sound long-term policy. Councilmember Caletka felt waiting until December 2007 would have Council sitting on recommendations for a year. He suggested that a Charter Review Board be created and any suggested changes be implemented as soon as possible.

Mayor Truex asked staff to determine the dates of upcoming elections along with the relevant costs to discuss at the next meeting. He did not see the urgency on this issue.

Vice-Mayor Crowley stated that it would still cost the Town to vote on Charter changes in March. He wanted staff and Mr. Kiar to come back to Council with recommendations to justify why a Charter Review Board was needed. Vice-Mayor Crowley felt the Town had a lot on its plate right now with the search for a town administrator, re-districting and the upcoming budget.

9. NEW BUSINESS

9.1. Vote of Confidence for Chief George - Councilmember Paul

Councilmember Paul spoke of the need to give Police Chief John George a vote of confidence in light of recent issues brought up. She spoke of Chief George's ongoing support of the community in District 4.

Councilmember Paul made a motion to have Council take a vote of confidence for Chief George.

Councilmember Caletka was not in favor of this motion. He referred to Section 10 of the Charter, which stipulated that this position was the responsibility of the town administrator. Vice-Mayor Crowley

TOWN COUNCIL MINUTES

JUNE 21, 2006

agreed with Councilmember Caletka that it was not Council's position to take such a vote. He spoke highly of Chief George and felt concerns raised needed to be worked out with Chief George, his officers and the town administrator.

Mayor Truex stated that Chief George had his vote of confidence. He observed that Chief George appeared to have Mr. Cohen's support and felt Mr. Cohen was handling this issue appropriately. Councilmember Starkey agreed and spoke in support of Chief George and the union. She felt more emphasis on communication in the regular members was needed. Councilmember Starkey also supported Mr. Cohen's position.

The motion died due the lack of a second.

Councilmember Paul felt Council's position should be on the record.

John Gresham agreed with Council but felt changes in the Police Department were needed due to offensive and unacceptable conduct of officers. He spoke of a complaint he had filed against the Department which remained unresolved and added that other Citizen Response System (CRS) e-mails had not yet been addressed. Chief George advised that he and the Department had done as much as it possibly could through the CRS to help Mr. Gresham and advised that there was in fact a CRS response to Mr. Gresham. Chief George encouraged Mr. Gresham to continue communicating with the Department as his case was being investigated.

Councilmember Caletka voiced his concern about the need for increased police presence in District 1 and spoke of a recent theft at his home. He voiced his frustration about the poor police response to this incident and felt this indicated low morale within the Department. Councilmember Caletka spoke of a consensus in his community that a new plan was needed within the Department.

Mayor Truex pointed out that it was not Chief George's fault if there were insufficient officers as Council approved the budget for the Department. Councilmember Starkey was not in favor of putting the blame entirely on Chief George as various administrative factors led to the current problems the Town faced. She spoke of Chief George's strong support system in her area. Vice-Mayor Crowley spoke of Council's ongoing requests for more funding for public safety.

9.2. Removal of Planning and Zoning Board Member - Mayor Truex

Mayor Truex asked for Council's approval to remove Karen Stenzel-Nowicki from the Planning and Zoning Board, for what he felt was unprofessional conduct. He felt strongly that a cartoon distributed by Ms. Stenzel-Nowicki was offensive and even racist in its depiction of Councilmember Paul and Seminole Chief Max Osceola.

Councilmember Caletka objected to this request and felt that offensive editorial cartoons were a matter of course for public officials. He agreed the conduct was mean spirited but did not feel the cartoon was derogatory to Native Americans in general. Mayor Truex felt racial stereotyping was often a matter of opinion and stressed that based on the Town's history; he had zero tolerance for any appearance of such conduct.

Councilmember Paul voiced her anger about the cartoon and agreed that the stereotype portrayed was inaccurate and belittled Native Americans. She was frustrated about its publication in light of her ongoing efforts to educate and enlighten the community on Native American affairs. She pointed out that the Constitution and civil rights laws ensured that individual rights were protected regardless of race or national origin. Councilmember Paul agreed with Mayor Truex's view that Ms. Stenzel-Nowicki's conduct was a poor reflection of a representative of the Town.

Zane Sallone, representing the ACLU Florida Broward Chapter, spoke on behalf of Ms. Stenzel-Nowicki and her first amendment speech rights. She explained there was a distinction between actions as a private citizen and actions in the role of a public servant. Ms. Sallone maintained that in this issue Ms.

TOWN COUNCIL MINUTES

JUNE 21, 2006

Stenzel-Nowicki acted in the role of a private citizen. Discussion followed pertaining to hypothetical scenarios involving protected speech.

Councilmember Caletka was not in favor of removing Ms. Stenzel-Nowicki from the Planning and Zoning Board. He felt her removal from the board without cause violated certain rights.

Lloyd Phillips objected to the motion to remove Ms. Stenzel-Nowicki.

Paula Twitty objected to the motion to remove Ms. Stenzel-Nowicki.

Ms. Stenzel-Nowicki stated that she was not guilty of what she was being accused of and apologized for any offense taken. She indicated that her actions were taken as a private citizen.

Councilmember Starkey agreed with Mayor Truex's position on the removal. She spoke of ongoing personal attacks and what she considered unprofessional conduct from Ms. Stenzel-Nowicki over the years. Councilmember Starkey felt that elected official should receive respect despite disagreements of opinion. She defended Council's discretion by Charter to remove members of advisory boards on whatever grounds it deemed appropriate or for no cause.

Vice-Mayor Crowley felt the cartoon should have simply been treated as garbage. He voiced his regret that names had been mentioned in this discussion out of concern for Councilmember Paul.

Councilmember Starkey, Councilmember Paul and Mayor Truex asked that Mr. Kiar review this issue and offer an opinion on the removal.

10. MAYOR/COUNCILMEMBER'S COMMENTS

COUNCILMEMBER CALETKA

NOISE. Councilmember Caletka asked about the update on the Seminole noise issue and the *writ of mandamus*. Mr. Kiar advised that this issue was being worked on.

COMMENDATION. Councilmember Caletka commended Vice-Mayor Crowley and Councilmember Paul on their professional conduct and Mayor Truex for his oversight regarding the Town's tax dollars.

Councilmember Caletka was disturbed that he and Councilmember Starkey were continually at odds on votes.

VICE-MAYOR CROWLEY

NEWSPAPER CORRECTION. Vice-Mayor Crowley referred to a recent article in The Miami Herald regarding the auditor putting capital projects on hold. He corrected false information and comments attributed to him with regard to building projects. Vice-Mayor Crowley stated that the explanations he gave the reporter on the Water Control District's request for qualifications and contract were twisted and in some cases false.

COUNCILMEMBER STARKEY

PUBLIC RECORDS. Councilmember Starkey felt it was important for Council to see any public records forwarded to The Miami Herald reporter due to misinformation that was reported.

HIATUS ROAD. Councilmember Starkey asked for a status report on Hiatus Road improvements at the circle and at I-595.

MATH IGLER GROVES. Councilmember Starkey also asked for an update on Math Iglers Groves.

COUNCILMEMBER PAUL

BULK PICKUP. Councilmember Paul reminded condominium residents that the next bulk pickup was scheduled for July 6th and 8th. She asked that this information be placed on the Town's website.

CAR DEALERSHIPS. Councilmember Paul voiced her concern about car dealerships on Weston Road and indicated that cars were being parked along the right-of-way and in easements.

TOWN COUNCIL MINUTES
JUNE 21, 2006

ADVISORY BOARDS. Councilmember Paul felt Council should assist advisory boards with some agenda items as some boards were floundering due to lacks of quorum. She wanted staff to ensure that board agendas indicate what items would be discussed at subsequent meetings. Councilmember Paul wanted Council to give more meaningful direction to advisory boards.

DEVELOPMENT RIGHTS. Councilmember Paul wanted a review or study conducted on any development rights that might still exist on Town parks and open space. She wanted these protected in perpetuity.

ECONOMIC DEVELOPMENT STUDY. Councilmember Paul requested an updated economic study showing revenues by District, based on the property appraiser's report.

BROADVIEW PARK. Councilmember Paul requested a status report on the interlocal agreement with Broadview Park.

FENCING. Councilmember Paul wanted to proceed with the purchase order to replace fencing at Robbins Lodge.

MAYOR TRUEX

UNITED RANCHES. Mayor Truex advised that the voting in United Ranches was ongoing and encouraged residents to vote to annex into Davie.

POLICE/FIRE MEMORIAL. Mayor Truex asked when the memorial was being dedicated. Councilmember Starkey provided an update and indicated that the memorial's progress was slow. She indicated that the proposed date was September 11th. Mayor Truex wanted to have as many residents present as possible when the memorial was unveiled.

JULY 4TH ACTIVITIES. Mayor Truex spoke of the Town's upcoming July 4th Independence Day celebration and urged residents to attend.

CONDUCT. Mayor Truex agreed with Mr. Caletka on Vice-Mayor Crowley's exceptional conduct. He voiced his respect for Councilmember Starkey and her work on Council.

11. TOWN ADMINISTRATOR'S COMMENTS

IVANHOE FIRE STATION. Mr. Cohen spoke of flooding at the Ivanhoe Fire Station, which caused the firefighters to be relocated and indicated that the renovations were expected to be finished within the next ten days. He added that sections of the roof that would need to be repaired.

12. TOWN ATTORNEY'S COMMENTS

No comments were made.

13. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 12:25 a.m.

Approved _____

Mayor/Councilmember

Town Clerk